

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-cr-20669

Hon. Matthew F. Leitman

v.

MICHAEL BRIAN MONTNEY,

Defendant.

/

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT’S
MOTION TO EXTEND TIME TO SURRENDER (ECF No. 43)**

Defendant Michael Brian Montney is a criminal Defendant in this Court. On March 9, 2020, Montney pleaded guilty one count of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2) pursuant to a Rule 11 plea agreement. (*See* Plea Agmt., ECF No. 19.)

The Court allowed Montney to remain on bond pending sentencing. That sentencing was initially scheduled for September 14, 2020, but it was rescheduled several times. (*See* Dkt.) On January 19, 2022, nearly two years after Montney pleaded guilty, the Court sentenced him to a term of imprisonment of 60 months. (*See* Judgment, ECF No. 41, PageID.210.) Following sentencing, the Court again allowed Montney to remain on bond until the date he was ordered to report by the United States Marshals Service.

The United States Marshals Service has now ordered Montney to report to FCI Elkton on March 8, 2022, so that he may begin serving his sentence. On February 27, 2022, Montney filed a motion asking the Court to postpone that reporting date. (*See* Mot., ECF No. 43.) Montney explains that he “needs additional time to put his affairs in order,” and he asks the Court to delay his reporting date by “60 to 90 days.” (*Id.*, PageID.222.) The Government opposes Montney’s motion. (*See* Gvt. Resp., ECF No. 45.)

The Court has carefully reviewed Montney’s motion, and it grants it in part and denies it in part. Montney has had a substantial amount of time following both his plea in 2020, and his sentencing earlier this year, to prepare to begin serving his sentence. Therefore, the Court does not believe that an extension of Montney’s reporting date by “60 to 90 days” is appropriate. However, the Court will give Montney some limited additional time to ensure that he can arrange for proper living arrangements for his elderly father. Accordingly, the Court will extend Montney’s reporting date by **21 days**. Montney shall report to begin serving his sentence on **March 29, 2022**, unless given a later reporting date by the Federal Bureau of Prisons.

The Court does not anticipate granting any further extension of this reporting date. Montney shall make any and all arrangements necessary so that he is prepared to begin serving his sentence on March 29, 2022.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 2, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 2, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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